In the Claims:

CLAIMS.

I claim:

1. (Currently Amended) A method for analyzing financial data, the method comprising the steps of:

~~obtaining~~choosing a range for data points related to a security;

choosing a plurality of data points related to ~~a~~the security from within the range, each data point comprises associated data regarding the security;

designating one of the data points as a reference data point;

choosing one of the data points as a chosen data point, wherein the chosen data point further comprises a plurality of ~~individual~~chosen data points~~, not using an arithmetical pattern~~; and

examining the data of the chosen data point with the data of the reference data point, thereby producing a data analysis.

2. (Cancelled)

3. (~~Currently~~Previously Amended) The method as described in claim ~~{{2}}~~1, further comprising the step of ordering the chosen individual data points according to an ordering function prior to the examining step, thereby producing an ordered series and an ordered position corresponding to each chosen individual data point.

4. (Original) The method as described in claim 3, further comprising the step of reporting the data analysis.

5. (Cancelled)

6. (Cancelled)

7. (Original) The method as described in claim 3, wherein the

examining step comprises utilizing a comparison expressed by the equation

((TOPoint-FROMPoint)/FROMPoint)*100 = +/- %,

wherein "FROMPoint" is the reference point and "TOPoint" is each of the chosen individual data points, and each ordered position corresponding to TOPoint follows in the ordered series the ordered position corresponding to FROMPoint.

8. (Original) The method as described in claim 3, wherein the examining step comprises utilizing a comparison expressed by the equation

((TOPoint-FROMPoint)/FROMPoint)*100 = +/- %,

wherein "TOPoint" is the reference point and "FROMPoint" is each of the chosen individual data points, and each ordered position corresponding to TOPoint follows in the ordered series the ordered position corresponding to FROMPoint.

9. (Original) The method as described in claim 3, wherein the reference point further comprises a plurality of reference individual data points, there being a one-to-one correspondence between the reference individual data points and the chosen individual data points.

10. (Original) The method as described in claim 9, wherein the examining step comprises utilizing a comparison expressed by the equation

((TOPoint-FROMPoint)/FROMPoint)*100 = +/- %

wherein each pair of "FROMPoint" and "TOPoint" are each corresponding reference individual data point and chosen individual data point.

11. (Original) The method as described in claim 9, wherein the examining step comprises utilizing a comparison expressed by the equation

((FROMPoint-TOPoint)/TOPoint)*100 = +/- %

wherein each pair of "TOPoint" and "FROMPoint" are each corresponding reference

individual data point and chosen individual data point.

12. (Original) The method as described in claim 3, wherein the ordering function comprises date order and each data point comprises the value of the security at a specific date.

13. (Original) The method as described in claim 3, wherein the ordering function comprises date-and-time order and each data point comprises a value of the security at a specific date and time.

14. (Original) The method as described in claim 3, further comprising the step of exporting the data analysis to a second method of analyzing financial data.

15. (Currently Amended) A system for analyzing financial data, the system comprising:

a means for choosing a range for data points related to a security;

a means for ~~obtaining~~choosing a plurality of data points related to ~~a~~the security from within the range, each data point ~~comprising~~comprises associated data regarding the security;

a means for designating one of the data points as a reference data point;

a means for choosing one of the data points as a chosen data point, wherein the chosen data point further comprises a plurality of chosen data points~~, not using an arithmetical pattern;~~; and

a means for examining the data corresponding to the reference data point with the data corresponding to the chosen data point, thereby producing a data analysis.

16. (Cancelled)

17. (~~Currently~~Previously Amended) The system as described in claim ~~[[16]]~~15, wherein the examining means comprises a means for ordering the chosen data points according to an ordering function, thereby producing an ordered series and an ordered position corresponding to each chosen individual data

point.

18. (Cancelled)

19. (Cancelled)

20. (Original) The system as described in claim 17, wherein the examining means further comprises a means for performing a comparison expressed by the equation

((TOPoint-FROMPoint)/FROMPoint)*100 = +/- %,

wherein "FROMPoint" is the reference point and "TOPoint" is each of the chosen individual data points, and each ordered position corresponding to TOPoint follows in the ordered series the ordered position corresponding to FROMPoint.

21. (Original) The system as described in claim 17, wherein the examining means further comprises a means for performing a comparison expressed by the equation

((TOPoint-FROMPoint)/FROMPoint)*100 = +/- %,

wherein "TOPoint" is the reference point and "FROMPoint" is each of the chosen individual data points, and each ordered position corresponding to TOPoint follows in the ordered series the ordered position corresponding to FROMPoint.

22. (Original) The system as described in claim 17, wherein the reference point further comprises a plurality of reference individual data points, there being a one-to-one correspondence between the reference individual data points and the chosen individual data points.

23. (Original) The system as described in claim 22, wherein the examining means further comprises a means for performing a comparison expressed by the equation

((TOPoint-FROMPoint)/FROMPoint)*100 = +/- %

wherein each pair of "FROMPoint" and "TOPoint" are each corresponding reference individual data point and chosen individual data point.

24. (Original) The system as described in claim 22, wherein the examining means further comprises a means for performing a comparison expressed by the equation

((FROMPoint-TOPoint)/TOPoint)*100 = +/- 8

wherein each pair of "TOPoint" and "FROMPoint" are each corresponding reference individual data point and chosen individual data point.

25. (Original) The system as described in claim 17, wherein the ordering function comprises date order and each data point comprises a value of the security on a specific date.

26. (Original) The system as described in claim 17, wherein the ordering function comprises date-and-time order and each data point comprises a value of the security at a specific date and time.

27. (Original) The system as described in claim 17, further comprising a means for exporting the data analysis to a second means of analyzing financial data.

28. (Currently Amended) A method for analyzing data of a category, the system comprising the steps of:

~~obtaining~~choosing a range for data points related to the category;

choosing a plurality of data points related to the category from within the range, each data point comprises associated data regarding the category;

designating one of the data points as a reference data point;

choosing one of the data points as a chosen data point, wherein the chosen data point further comprises a plurality of chosen data points~~, not using an arithmetical pattern,~~; and

examining the data corresponding to the reference data point

with the data corresponding to the chosen data point, thereby producing a data analysis.

29. (Cancelled)

30. (~~Currently~~Previously Amended) The method as described in claim ~~{{29}}~~28, further comprising the step of ordering the chosen data points prior to the examining step.

31. (Original) The method as described in claim 30, further comprising the step of reporting the data analysis.

32. (~~Currently~~Previously Amended) The method as described in claim ~~{{29}}~~28, wherein the category comprises finance.

33. (Original) The method as described in claim 32, wherein the associated data is chosen from the group consisting of sales data, inventory data, cost data, margin data, income tax data, depreciation data, and amortization data.

34. (Currently Amended) A system for analyzing data of a category, the system comprising:

a means for choosing a range for data points related to the category;

a means for ~~obtaining~~choosing a plurality of data points related to the category from within the range, each data point comprises associated data regarding the category;

a means for designating one of the data points as a reference data point;

a means for choosing one of the data points as a chosen data point, wherein the chosen data point further comprises a plurality of chosen data points~~, not using an arithmetical pattern;~~; and

a means for examining the data corresponding to the reference data point with the data corresponding to the chosen data point, thereby producing a data analysis.

35. (Cancelled)

36. (~~Currently~~Previously Amended) The system as described in claim ~~[[35]]~~34, wherein the examining means comprises a means for ordering the chosen data points prior to examining the data.

37. (Original) The system as described in claim 36, further comprising a reporting means to report the data analysis.

38. (~~Currently~~Previously Amended) The system as described in claim ~~[[35]]~~34, wherein the category comprises finance.

39. (Original) The system as described in claim 38, wherein the associated data is chosen from the group consisting of sales data, inventory data, cost data, margin data, income tax data, depreciation data, and amortization data.

The comments of the Examiner as set forth in the Office Paper of April 7, 2005 have been carefully studied and reviewed.

Claims 1, 3-4, 7-15, 17, 20-28, 30-34, and 36-39 are pending in the application.

Claims 1, 3-4, 7-15, 17, 20-28, 30-34, and 36-39 have been rejected.

Claims 1, 15, 28, and 34 have been amended in this Amendment, without prejudice.

Claim Rejections: 35 U.S.C. §103(a)

Claims 1, 3-4, 7-15, 17, 20-28, 30-34, and 36-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Philips et al. (U.S. Pat. No. 6,792,399) and official notice.

Applicant respectfully repeats his traversal of these rejections as described in his previous Amendment dated January 13, 2005. To reject a claimed invention based upon its obviousness over the prior art, the examiner must support such a rejection by establishing the invention's prima facie obviousness. The examiner must show where in the art cited there is a description of the claimed invention sufficient to have taught or suggested the invention to ordinarily skilled artisans of the time (see, e.g., ACS Hospital Systems, Inc., v. Montefiore Hospital, 221 U.S.P.Q. 929, 933 (F. Cir. 1984); see also, In re Fine, 5 U.S.P.Q.2d 1596 (F. Cir. 1988)).

Evaluation of whether the cited documents provide the necessary description requires consideration of "(1) whether the prior art would have suggested to those of ordinary skill in the art they should make the claimed [invention] ... and (2) whether the prior art would have also revealed that in so making ... those of ordinary skill would have a reasonable expectation of success" (In re Vaeck, 20 U.S.P.Q.2d 1438, 1442 (F. Cir. 1991)). "Both the suggestion and the reasonable expectation of success must be found in the prior art, not in the applicant's disclosure" (In re Vaeck, supra). That is, "one

cannot use hindsight reconstruction to pick and choose amongst isolated disclosures in the prior art to deprecate the claimed invention" (In re Fine, supra at 1600).

Phillips et al. Rejection

Phillips et al. analyze data in different ways. The cluster analysis referred to is only used after data has been analyzed by various individuals using the service offered by these inventors; cluster analysis is used for what can be considered an "analysis of the analysis", to even out the analyzed data based on levels of participation by the various individual forecasters whose analyses are providing data to the system (see col. 43, lines 1-13).

Applicant has amended independent Claims 1, 15, 28, and 34 to distinguish further Applicant's invention from Phillips et al. In short, the disclosure of Phillips et al. is limited to cluster analysis. Applicant does not employ cluster analysis in any way. Applicant's amended Claims clearly show that absence of cluster analysis in Applicant's invention. Thus, Applicant's invention is not obvious in light of Phillips et al. with official notice.

Now that Applicant's independent Claims have been distinguished from the prior art, Applicant respectfully submits that all dependent Claims are also distinguished from the prior art.